

## **REMARKS**

The present Amendment amends claims 1, 3, 5, 7, 9, 11, 13 and 14 and leaves claims 2, 4, 6, 8, 10 and 12 unchanged. Therefore, the present application has pending claims 1-14.

Applicants respectfully request the Examiner to contact Applicants' Attorney, the undersigned, by telephone to discuss the outstanding issues of the present application prior to examination.

Claims 1, 3, 5, 7, 9 and 11 stand rejected under 35 USC §112, first paragraph as allegedly failing to comply with the written description requirement. Particularly, the Examiner alleges that the specification as originally filed on March 3, 2004 did not define a "third request" as recited in claims 1, 3, 5, 7, 9 and 11. Applicants do not agree with this rejection. However, in order to expedite prosecution of the present application each of claims 1, 3, 5, 7, 9 and 11 were amended to eliminate the term "third request". It should be noted however, that the request now being referred to in the claims is request 125 issued from the storage managing server 20 to the storage 30 so as to request from the storage 30 the particular constructional information as requested by the storage managing terminal 10 by the second request 120. Thus, the claims as amended now recite features that are sufficiently described in the specification in accordance with 35 USC §112, first paragraph rejection. Therefore, reconsideration and withdrawal of the 35 USC §112, first paragraph rejection of claims 1, 3, 5, 7, 9 and 11 is respectfully requested.

Claims 1, 5 and 9 stand rejected under 35 USC §112, second paragraph as allegedly being incomplete for omitting essential steps.

Particularly, the Examiner alleges that the claims are not directed toward a method in that method steps are defined. Amendments were made to each of claims 1, 5 and 9 so as to more clearly describe the method including the method steps of Applicants invention. Thus, the claims now include alleged omitted essential steps. Therefore, reconsideration and withdrawal of the 35 USC §112, second paragraph rejection of claims 1, 5 and 9 is respectfully requested.

Claims 1-14 stand rejected under 35 USC §103(a) as being obvious over Kurose (U.S. Patent Application Publication No. 2001/0056459) in view of Enoki (U.S. Patent No. 5,873,085). This rejection is traversed for the following reasons. Applicants submit that the features of the present invention as now recited in claims 1-14 are not taught or suggested by Kurose or Enoki whether taken individually or in combination with each other as suggested by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Amendments were made to the claims in order to more clearly describe features of the present invention. Particularly, amendments were made to the claims so as to more clearly recite that the present invention is directed to a processing method for use in the operation of a storage managing server that is connected to a storage device and a storage managing terminal, the storage managing server, the storage managing terminal and a storage managing system.

The processing method according to the present invention includes receiving, by the storage managing server, a first request, requesting download of a manager program, issued from the storage managing terminal,

wherein the manager program is used by the storage managing terminal for executing processing on the storage managing server, and receiving, by the storage managing server, a second request for executing processing including conducting communication of constructional information, which includes volume information defining characteristics of a plurality of volumes included in the storage device, between the storage device and the storage managing server, wherein the constructional information is used for managing the volumes included in the storage device.

Further, according to the present invention the processing method includes starting, by the storage managing server, processing, which includes at least sending a request to the storage device requesting constructional information, with respect to the second request, before the storage managing server transmits a response to the first request to the storage managing terminal, wherein the storage device includes the volumes each of which stores data sent from the host computers via a network.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record whether taken individually or in combination with each other. Particularly, the above described features of the present invention as now more clearly recited in the claims are not taught or suggested by Kurose or Enoki whether taken individually or in combination with each other as suggested by the Examiner.

As set forth the Remarks of the July 18, 2006 Amendment and the Remarks of the February 13, 2007 Amendment, said Remarks of both Amendments being incorporated herein by reference, Kurose is deficient of

numerous features of the present invention as recited in the claims. The Examiner apparently recognizing the numerous deficiencies of Kurose attempts to supply said deficiencies by combining Kurose with Enoki. However, Enoki does not supply the numerous deficiencies of Kurose as alleged by the Examiner. Therefore, combining the teachings of Kurose with Enoki in the manner suggested by the Examiner in the Office Action still fails to teach or suggest the features of the present invention as now more clearly recited in the claims.

Kurose merely teaches that a service assignment apparatus sets an appropriate service in a service-request-incompatible-apparatus as a network element so as to guarantee the service in the entire network. Kurose further teaches that a service-request-compatible-apparatus processes a received network service request and provides a service and that a network information collection unit in the service assignment apparatus collects information on a service provision state of the service-request-compatible-apparatus.

Further, Kurose teaches that a target apparatus determination unit determines a service-request-incompatible-apparatus based on the collected information on the service provision state and that a service mapping unit determines a service which the service-request-incompatible-apparatus can provide based on the information on the service provision state and information on the determined service-request-incompatible-apparatus.

In the Office Action the Examiner points to paragraph [0152] of Kurose as corresponding to the features of the present invention as recited in the claims. However, this teaching Kurose does not correspond to the features of the present invention as recited in the claims particularly being that there is no

teaching or suggestion in this passage of Kurose of the storage of the programs in a storage device having a plurality of managed volumes nor the storage of constructional information which includes volume information defining characteristics of the volumes included in the storage device that is used to manage the volumes in the storage device as in the present invention as recited in the claims. Paragraph [0152] of Kurose simply teaches that:

“the details of the operation realized by the functions which computers constituting the policy service 80 described above can be written as programs stored in computer readable recording mediums” that “may be a magnetic storage device, a semiconductor memory or the like”.

Further, at no point in Kurose is there any teaching or suggestion of the various operations performed by the storage managing terminal and the storage managing server with regard to the order of processing the first and second requests as recited in the claims.

As per the claims, the first request requests downloading of the manager program to be used in the storage managing terminal to execute processings on the storage managing server. Such a first request requesting download of a manager program is not taught or suggested by Kurose.

Further, the claims recite that the storage managing terminal sends a second request for execution of processings of the storage managing server including conducting communication of constructional information, which includes volume information defining characteristics of volumes included in the storage device, between the storage device and the storage managing server, wherein the constructional information is used for managing the

volumes included in the storage device. Such features are clearly not taught or suggested by Kurose.

Unique according to the present invention is that the first and second requests are managed in such a manner so that the second request to the storage device requesting constructional information is performed before the storage managing server transmits a response to the first request. Such features are also not taught or suggested by Kurose.

Further, unique according to the present invention is that by managing the processing performed with respect to the first and second requests so that the second request is processed before the storage managing server transmits a response to the first request, the constructional information can be displayed before the manager program is executed and that the constructional information display operation screen used for updating said constructional information can also be displayed before the manager program is executed. Attention is directed to the discussions of the above described features of the present invention as set forth on page 7, lines 13-24 of the present application.

There is absolutely no teaching or suggestion in either of the references utilized by the Examiner to reject the claims of a managing server that requests constructional information from the storage device before the storage managing server transmits a response to a request for the manager program to the storage managing terminal as in the present invention as clearly recited in the claims.

Thus, Kurose fails to teach or suggest receiving, by the storage managing server, a first request, requesting download of a manager program,

issued from the storage managing terminal, said manager program to be used by the storage managing terminal for executing processing on the storage managing server, and a second request for executing processing including conducting communication of constructional information, which includes volume information defining characteristics of a plurality of volumes included in the storage device, between the storage device and the storage managing server, wherein the constructional information is used for managing the volumes included in the storage device as recited in the claims.

Further, Kurose fails to teach or suggest starting, by the storage managing server, processing, which includes at least sending a request to the storage device requesting constructional information, with respect to the second request, before the storage managing server transmits a response to the first request to the storage managing terminal as recited in the claims.

Therefore, Kurose fails to teach or suggest the features of the present invention as recited in the claims. The above described deficiencies of Kurose are not supplied by any of the other references of record, namely Enoki. Therefore, combining the teachings of Kurose with Enoki in the manner suggested by the Examiner still fails to teach or suggest the features of the present invention as now more clearly recited in the claims.

Enoki merely discloses conducting a file access in response to a file access request. Thus, at no point is there any teaching whatsoever in Enoki of constructional information which includes volume information defining characteristics of the volumes included in the storage device as in the present invention as recited in the claims.

Further, at no point is there any teaching or suggestion in Enoki that the managing server, that requests the constructional information, requests such constructional information from the storage device before the storage managing server transmits a response to the first request requesting download of the manager program as in the present invention as recited in the claims.

In other words, at no point is there any teaching or suggestion in Enoki of a manager server that requests constructional information which includes volume information defining characteristics of volumes included in the storage device before the storage managing server transmits a response to the first request which requests download of a manager program as in the present invention as recited in the claims.

From the Office Action it appears that the Examiner has confused a "file ID" with constructional information as defined according to the present invention. As described above, the constructional information of the present invention as now more clearly recited in the claims includes volume information defining characteristics of volumes included in the storage device. The file ID as taught by Enoki is not in anyway equivalent to nor does it include volume information since it merely is an ID of a file. One of ordinary skill in the art would not equate a file ID to volume information defining characteristics of volumes included in a storage device as in the present invention.

Therefore, the file ID as noted by the Examiner in the Office Action is not equivalent to the constructional information as now more clearly recited in the claims.

Thus, Enoki, the same as Kurose, fails to teach or suggest receiving, by the storage managing server, a first request, requesting download of a manager program, issued from the storage managing terminal, said manager program to be used by the storage managing terminal for executing processing on the storage manager server, and a second request for executing processing including conducting communication of constructional information, which includes volume information defining characteristics of a plurality of volumes included in the storage device, between the storage device and the storage managing server, wherein the constructional information is used for managing the volumes included in the storage device as recited in the claims.

Further, Enoki, the same as Kurose, fails to teach or suggest starting, by the storage managing server, processing, which includes at least sending a request to the storage device requesting constructional information, with respect to the second request, before the storage managing server transmits a response to the first request to the storage managing terminal as recited in the claims.

Therefore, both Kurose and Enoki fail to teach or suggest the features of the present invention as now more clearly recited in the claims and as such when combined does not render obvious the claimed invention. Accordingly, reconsideration and withdrawal of the 35 USC §103(a) rejection of claims 1-14 as being obvious over Kurose in view of Enoki is respectfully requested.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 1-14.

In view of the foregoing amendments and remarks, applicants submit that claims 1-14 are in condition for allowance. Accordingly, early allowance of claims 1-14 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (TMI-5011).

Respectfully submitted,

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